

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRICIA KANE-LEE,

Petitioner,

-against-

WARDEN OF RIKERS ISLAND,

Respondent.

20-CV-1256 (CM)

TRANSFER ORDER

COLLEEN McMAHON, Chief United States District Judge:

Petitioner, currently detained at the Anna M. Kross Center on Rikers Island on a Vermont warrant for violation of probation (ECF No. 2 at 3), brings this *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2254. She challenges the constitutionality of her 2014 conviction in the Vermont Superior Court, Bennington Criminal Division.

“For the convenience of parties and witnesses, and in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought . . .” 28 U.S.C. § 1404(a). Because Petitioner was convicted and sentenced in Bennington, Vermont, which is located in the District of Vermont, *see* 28 U.S.C. § 126, the Court transfers this action to the United States District Court for the District of Vermont.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket. The Clerk of Court is further directed to transfer this action, pursuant to 28 U.S.C. § 1404(a), to the United States District Court for the District of Vermont. Whether Petitioner should be permitted to proceed further without payment of fees is a determination to be made by the transferee court. This order closes this case.

Because Petitioner has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: March 5, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge